

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION**

**NICHOLAS PENA-GONZALEZ**  
**Reg. #22198-038**

**PLAINTIFF**

**v.**

**CASE NO. 2:19-CV-00004 BSM**

**UNITED STATES OF AMERICA, *et al.***

**DEFENDANTS**

**ORDER**

The proposed findings and recommendations (“RD”) from United States Magistrate Judge Joe J. Volpe [Doc. No. 29] has been received, and after carefully reviewing the entire record, the RD is adopted.

Defendants’ motion for summary judgment [Doc. No. 25] is granted. Pena-Gonzalez’s inadequate medical care claim is dismissed without prejudice. His excessive force and assault and battery claims are dismissed with prejudice, and this case is dismissed. An *in forma pauperis* appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 6th day of April 2020.

  
UNITED STATES DISTRICT JUDGE